

Notice of Allowability

Application No.

09/753,185

Examiner

Chieh M. Fan

Applicant(s)

BENDAK ET AL.

Art Unit



2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 3/28/05.
2. ☒ The allowed claim(s) is/are 1,3-11,13-20,22 and 24-30.
3. ☒ The drawings filed on 28 March 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____. | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Terrance A. Meador on 5/12/05.

The application has been amended as follows:

In the claims:

- a. In claim 3, line 3, "encoding the communications" has been changed to --- encoding the decoded communications ---.
- b. In claim 30, line 14, "from the first input" has been changed to --- from the first input at a second output ---.
- c. In claim 30, line 15, "from the second input" has been changed to --- from the second input at a third output ---.
- d. In claim 30, line 24, "supplies a the control signal" has been changed to --- supplies the control signal ---.

Statement of Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 3-9, the prior art of record does not teach monitoring the first and second receive paths for communication integrity by monitoring the corrected byte errors in the decoded communications in the first and second receive paths.

Regarding claims 10, 11 and 13-20, the prior art of record does not teach monitoring the received communications for communication integrity by monitoring the corrected byte errors.

Regarding claims 22 and 24-29, the prior art of record does not teach that the receive monitor monitoring the integrity of communications including digital frame structures having overhead, payload, and forward error correction sections on the first and second receive paths by monitoring integrity criteria selected from the group including overhead bytes, synchronization status, loss of clock, bit error rate, and signal to noise ratio and supplying a control signal responsive to the communication integrity at a first output, the receive monitor supplying the communications from the first receive path to a second output and communications from the second receive path to a third output.

Regarding claim 30, the prior art of record does not teach the limitations, "the transmit monitor monitoring the integrity of communications on the first and second inputs and supplying the control signal responsive to the communication integrity at a first output, the transmit monitor supplying the communications from the first input at a second output to a first transmit path and communications from the second input at a

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third output to a second transmit path; a first receiver node having an input connected to the transmit monitor second output to receive communications and an output connected to third input of the first relay transmit monitor to supply status messages concerning the integrity of the received communications', and a second receiver node having an input connected to the transmit monitor third output to receive communications and an output connected to the third input of the first relay transmit monitor to supply status messages concerning the integrity of the received communications', and wherein the transmit monitor supplies a the control signal to select a transmitter switch output in response to the status messages from the first and second receiver nodes."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chieh M Fan whose telephone number is (571) 272-3042. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chieh M Fan
Primary Examiner
Art Unit 2634

cmf
May 13, 2005